IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11296 of 2007

Date of decision:27.09.2007

Amit Art Press

..... Petitioner

Versus

Punjab Financial Corporation and others

.... Respondents

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. Pardeep Goyal, Advocate,
for the petitioner.

Mr. Pardeep Bhandari, Advocate,
for the respondents.

***

M.M.Kumar, J.

Learned counsel for the petitioner states that the total amount recoverable as on 10.09.2007 is Rs. 5,60,000/-. He further states that the amount of Rs. 3 lacs by way of bank drafts dated 25.09.2007 and 26.09.2007 has been paid to the respondent-corporation and the outstanding amount is reduced to Rs. 2.60 lacs. After obtaining instructions from the petitioner, learned counsel states that the rest of the amount shall be cleared by 31.03.2008 and he further states that the petitioner is prepared to pay simple interest on the outstanding amount of Rs. 2.60 lacs till 31.03.2008. Learned counsel for the petitioner further requests that the premises, which have been locked by the Corporation should be unlocked and possession be delivered back to the petitioner.

Mr. Bhandari, learned counsel for the respondents-Corporation has submitted that the stipulated interest is recoverable as against the simple interest. Therefore, he prays that the request made by the counsel for the petitioner may be rejected.

In the facts and circumstances of the case, we dispose of the writ petition with a direction to the petitioner to adhere to the undertaking and clear the outstanding amount of Rs. 2.60 lacs by 31.03.2008 and the petitioner shall also pay simple interest @ 12% per annum.

The respondent-Corporation is also directed to unlock the premises and hand over the possession to the petitioner within one week from today. The inventory of items shall be prepared and the same shall be in accordance with that of one prepared at the time of taking possession. In case, the petitioner fails to adhere to the undertaking by paying the outstanding amount with interest as aforesaid by 31.03.2008, then the writ petition shall be deemed to be dismissed and the Corporation shall be free to proceed against it in accordance with law.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 27, 2007
pj